# 6105 CLARK Pl.



# BUILDING AND STANDARDS BOARD AGENDA ITEM #4 FOR WEDNESDAY, JANUARY 28, 2015

# PLANNING & INSPECTIONS DEPARTMENT BUILDING SAFETY DIVISION

### MEMORANDUM January 14, 2015

TO: The Honorable Chairman and Board Members

THROUGH: Victor Morrison-Vega, Deputy Director, Planning & Inspections Department

FROM: Ron Roth, Chief Building Inspector CBO

SUBJECT: 6105 Clark Pl., El Paso, TX 79905

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated on October 09, 2014. Recently inspected on January 14, 2015. The single family dwelling was built on or about 1950. The main structure is secure and has two illegal additions used as storage sheds. The illegal additions are open to unwanted entry and structurally unsound due to lack of maintenance and exposure to the elements. The City cleaned up the property on or about December 2, 2013 and December 2, 2014. Attempts to maintain the structures secure have been unsuccessful.
- 2) A certified condemnation letter was mailed to the owners Humberto Del Real and Maria Cruz Del Real on October 14, 2014.
- 3) Certified notices of the public hearing scheduled for January 28, 2015 were mailed to the owner and all interested parties on January 8, 2015.
- 4) As of January 12, 2015, \$2,387.23 is owed in taxes.

The owners have been notified of the property violations at this property. To date there has been no response or corrective action taken, and therefore the Department recommends that it be found:

- 1) That the illegal additions be condemned as substandard, and unfit for use and a hazard to the public health, safety, and welfare;
- 2) That the illegal additions are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the main structure can be rehabilitated with necessary permits; and
- 4) That the main structure be maintained secure until rehabilitated; and
- 5) That the illegal additions be demolished within (30) days; and
- 6) That the premises be cleaned of all trash, and debris within (30) days and maintained cleaned thereafter; and
- 7) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

### Building Safety Division October 13, 2014 NOTICE OF VIOLATION

Humberto & Maria Del Real 17564 E 16<sup>th</sup> PI #26 Aurora, CO 80011-5001

> Re: 6105 Clark Pl Blk: C COLLINGSWORTH

Lot: PT OF 3 & 4 (TR 9 UNRECORDED MAP) 4.2 FT ON N 75 FT ON W

46.5 FT ON S (3551.25 SQ FT)

Zoned: A-2 ENHS14-01978 9171999991703078864191

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

#### 18.50.108.1 General.

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Title 2.38 of the Municipal Code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

#### 18.50.108.1.1 Unsafe Structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

#### 18.50.108.1.2 Unsafe Equipment

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

#### 18.50.108.1.3 Structure Unfit for Human Occupancy.

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **6105 Clark PI, EI Paso, TX 79905** is in violation of the requirements found in the following sections of the 2009 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
- b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]
- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- j. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- k. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- I. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- m. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- n. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- o. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- p. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]

- q. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1, 604.3.2, 604.3.2.1]
- r. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- t. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- u. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- v. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- w. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the City Development Department, Building Safety Division.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Title 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.10.3.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the City Development Department, Building Safety Division because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Safety Division office, 801 Texas Ave., El Paso, Texas, 79901, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at (915) 212-1815.

Janeth Loya Building Inspector

### **NOTICE OF PUBLIC HEARING**

#### To all interested parties:

The owners, mortgagee, lien holders and any others with a legal interest in the property described below are hereby ordered to appear before the Building and Standards Commission, herein after referred to as the "Commission", at the following time and place:

<u>LOCATION:</u> El Paso City Hall, City Council Chamber, 300 N. Campbell, 1<sup>st</sup> Floor, El Paso, Texas 79901

**DATE:** January 28, 2015

**TIME:** 5:30 p.m.

**PROPERTY:** 6105 Clark Pl, El Paso, Texas 79905 also described as a Parcel of land out of Lots 3 and 4, Block C, COLLINGSWORTH SUBDIVISION SUPPLEMENTAL MAP, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 5, Page 13, Plat Records of El Paso County, Texas.

The property has been determined to be substandard based upon violations of the minimum standards of the 2009 Building Codes, adopted and incorporated in the El Paso City Code, Chapter 18, more specifically addressed below.

According to the real property records of El Paso County, and other relevant public records, Humberto Del Real and Maria Cruz Del Real, 17564 E 16<sup>th</sup> Pl #26, Aurora, CO 80011-5001, are the owners, herein after referred to as the "Owners" of the property. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property from you, if applicable. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building and Safety Division of the Planning and Inspections Department, 801 Texas, El Paso, Texas 79901, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not execute and deliver the affidavit, it will be presumed that you own or have an interest in the property, even if you do not.

On or about October 09, 2014, an inspection of the property was conducted by the Building Safety Division and the following violations were identified:

- a. All exterior property, accessory structures and premises shall be maintained in a clean, safe and sanitary condition, All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. [Sec. 302.1, 302.2, 302.3, 302.4, 302.5, 302.6, 302.7, 302.8, 302.9]
  - b. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. [Sec. 304.1, 304.1.1 conditions 1,2,3,4,5,6,7,8,9,10,11,12,13, 304.2, 304.3, 304.4, 304.5, 304.6, 304.7, 304.8, 304.9, 304.10, 304.11, 304.12, 304.13, 304.14, 304.15, 304.16, 304.17, 304.18]

- c. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 305.1, 305.2, 305.3, 305.4, 305.5, 305.6]
- d. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. [Sec. 306.1, 306.1.1 conditions 1,2,3,4,5,6,]
- e. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. [Sec. 308.1, 308.2, 308.2.1, 308.2.2, 308.3, 308.3.1, 308.3.2]
- f. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. [Sec.309.1, 309.2, 309.3, 309.4, 309.5]
- g. The building must comply with the minimum criteria and conditions for light. [Sec.402.1, 402.2, 402.3]
- h. The building must comply with the minimum criteria and conditions for ventilation. [Sec.403.1, 403.2, 403.3, 403.4, 403.5]
- i. The requirement for Privacy, minimum room dimensions, prohibited occupancy or food preparation spaces not met. [Sec.404.1, 404.2, 404.3, 404.4, 404.5, 404.6, 404.7]
- j. The building must comply with the minimum criteria of the provisions for required facilities. [Sec. 502.1, 502.2, 502.3, 502.4,502.4.1, 502.5]
- k. The building must comply with the minimum criteria of the provisions for toilet rooms. [Sec. 503.1, 503.2, 503.3, 503.4]
- 1. The building must comply with the minimum criteria of the provisions for plumbing systems and fixtures. [Sec. 504.1, 504.2, 504.3]
- m. The building must comply with the minimum criteria of the provisions for water systems. [Sec. 505.1, 505.2, 505.3, 505.4]
- n. The building must comply with the minimum criteria of the provisions for sanitary drainage systems. [Sec.506.1, 506.2, 506.3]
- o. The building must comply with the minimum criteria of the provisions for heating facilities. [Sec. 602.2, 602.3, 602.4, 602.5]
- p. All mechanical equipment and fireplaces shall be properly installed and maintained. [Sec.603.1, 603.2, 603.3, 603.4, 603.5, 603.6]

- q. The building must comply with the minimum criteria of the provisions for electrical facilities. [Sec. 604.1,604.2, 604.3, 604.3.1, 604.3.1, 604.3.2, 604.3.2.1]
- r. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. [Sec. 605.1, 605.2, 605.3]
- s. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function. [Sec. 607.1]
- t. Means of egress & Emergency escape opening A safe, continuous and unobstructed path of travel has not been provided from all points in the building or structure to the public way. [Sec. 702.1, 702.2, 702.3, 702.4]
- u. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times. [Sec. 704.1, 704.1.1, 704.2, 704.3, 704.4]
- v. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- w. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the City Development Department, Building Safety Division.

The owners are entitled to show cause that the property is safe, does not constitute a dangerous structure and should not be declared a nuisance and ordered abated by presenting relevant evidence and testimony. If the owners advocates for repair, then they bear the burden of proof to demonstrate the scope of any work that may be required to bring the property into compliance with Chapter 18.50 and the time it will take to reasonably perform the work. The allowable time periods for repair are governed by Texas Local Government Code, Sections 214.001(h), (i), (j) and (k). Any document relied upon to demonstrate that the property is safe or that it can be repaired must be presented to the Commission at the hearing, including building plans, specifications, drawings, or reports from professionals and any other relevant documentation.

If the owners fail to comply with the order of the Commission, the City may pursue one or more of the following actions:

Perform any and all work necessary to bring the property into compliance with the Commission's order;

Assess civil penalties, provided for in the Commission's order, in an amount not to exceed \$1,000 per day or \$10 per day if the Property has a homestead exemption, that will accrue interest of 10% per year until paid in full;

Appoint a receiver as permitted by state law; and

Any other remedies permitted by state law.

Commission orders may be appealed to the State District Court within 30 days of the Final order.

The Commission's authority and procedures in regard to a Dangerous Structure Hearing may be found in Chapter 2.38 of the El Paso City Code and in their duly adopted bylaws. A copy of the ordinance adopting the most current version of Chapter 2.38 is enclosed. The bylaws may be obtained at the Building Safety Division of the Planning and Inspections Department, 801 Texas, El Paso, Texas 79901 or by calling (915) 212-1815.

This notice will be recorded in the real property records of El Paso County and will be binding on subsequent grantees, lien holders or other transferees of an interest in the Property.

The City Clerk is ordered to provide notice of this hearing to the record owners and all other interested parties, required by law, who are listed following this notice, and file this notice in the real property records of El Paso County.

FAILURE OF THE OWNER AND/OR LIENHOLDER OR MORTGAGEE TO TAKE THE ORDERED ACTION MAY RESULT IN THE CITY TAKING THE ORDERED ACTION AND FILING A LIEN AGAINST THE PROPERTY.

The City of El Paso appreciates your cooperation and prompt attention to remedying the nuisances on the property. Please do not hesitate to contact me should you have any additional questions, comments or concerns relative to this notice.

APPROVED AS TO FORM	APPROVED AS TO CONTENT
Wendi N Vineyard	Ron Roth, C.B.O.
Assistant City Attorney	Deputy Building Official

I, RICHARDA DUFFY MOMSEN, City Clerk of the and correct copy of the foregoing Notice regarding.	g the property located at 6105 Clark Pl, El
Paso, Texas 79905 was PUBLISHED in the off of, 2015.	acial City newspaper on theaay
	Richarda Duffy Momsen
I certify that a true and correct copy of the foregoing 6105 Clark Pl, El Paso, Texas 79905 was MREQUESTED to:	
Humberto Del Real and Maria Cruz Del Real 17564 E 16 <sup>th</sup> Pl #26, Aurora, CO 80011-5001	
,	Date:
	Time:
	Inspector:
I certify that a true and correct copy of the foregoing 6105 Clark Pl, El Paso, Texas 79905 was HAND-DI	
City of El Paso	
C/O City Clerk	
300 N. Campbell	
El Paso, Texas 79901	D.
	Date:
	Time: Inspector:
	mspector.
I certify that a true and correct copy of the foregoing 6105 Clark Pl, El Paso, Texas, 79905 was MREQUESTED to:	
Governor of the Ysleta Del Sur Pueblo Indian Tribe AKA Tigua Indian Community 119 S. Old Pueblo Road	
El Paso, Texas 79907	Data
	Date: Time:
	Inspector:
	· p · · · · · · ·

I certify that a true and correct copy of the foregoing Notice regarding the property at 6105 Clark Pl, El Paso, Texas 79905, was MAILED CERTIFIED-RETURN RECREQUESTED to:	EIPT
El Paso Central Appraisal District 5801 Trowbridge Ave. El Paso, Texas 79925	
Date:	
Time:	
Inspector:	
I certify that a true and correct copy of the foregoing Notice regarding the property at	
6105 Clark Pl, El Paso, Texas 79905, was MAILED CERTIFIED-RETURN REC REQUESTED to:	EIPT
El Paso County Probate Court 500 E. San Antonio Avenue, Suite 105 El Paso, Texas 79901	
Date:	
Time:	
Inspector:	
I certify that a true and correct copy of the foregoing Notice regarding the property at 6105 Clark Pl, El Paso, Texas 79905, was MAILED CERTIFIED-RETURN RECREQUESTED to:	EIPT
Delgado, Acosta, Spencer Linebarger, Heard & Perez, LLP Attn: Bonnie Cooper 221 N. Kansas Suite 1400	
El Paso, Texas 79901	
Date:	
Time:	
Inspector:	
I certify that a true and correct copy of the foregoing Notice was POSTED at 6105 Clark Paso, Texas, 79905.	Pl, E
Date:	

Time: \_\_\_\_\_\_



## UNSAFE STRUCTURES REPORT

#### PLANNING & INSPECTIONS DEPARTMENT

**DATE OF EXAMINATION:** January 14, 2015 **REP. DISTRICT: 3** 

ADDRESS: 6105 Clark Pl., El Paso, TX 79905 **ZONED:** A-2

LEGAL DESCRIPTION: A Parcel of land out of Lots 3 and 4, Block C, COLLINGSWORTH SUBDIVISION SUPPLEMENTAL MAP, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof recorded in Volume 5, Page 13, Plat Records of El Paso County, Texas.

**OWNER:** Humberto Del Real and Maria Cruz Del Real.

ADDRESS: 6105 Clark Pl. El Paso, TX 79905

**BUILDING USE:** Single-Family Dwelling with Illegal Additions.

TYPE OF CONSTRUCTION: Type V, main structure constructed of CMU, wood framed roof system and concrete slab foundation. Illegal additions with wood framed wall and roof system.

**FOOTINGS:** Unable to determine due to subterranean placement.

**CONDITION:** A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL: N/A** 

**CONDITION:** N/A

**FLOOR STRUCTURE:** Concrete slab on grade.

**CONDITION:** A structural engineer should be hired to evaluate actual condition.

**EXTERIOR WALLS:** CMU walls in main structure. Wood framed walls in illegal additions.

**HEIGHT**: 10 ft. +/-THICKNESS: 8 in. +/-

**CONDITION:** A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

**INTERIOR WALLS & CEILINGS:** CMU walls and gypsum board in ceilings in the main structure. Illegal additions constructed of wood framed walls and gypsum board in ceiling.

**CONDITION:** A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to make the building safe.

**ROOF STRUCTURE:** Wood framing with asphalt shingle.

**CONDITION:** A registered roofing contractor will need to be hired to evaluate the entire roofing system and submit a report of his findings to this department on the corrective action required to bring the system up to minimum code compliance.

**DOORS, WINDOWS, ETC.:** Wood doors and metal frame windows.

**CONDITION:** Poor.

MEANS OF EGRESS: Non-compliant.

**CONDITION:** Poor.

**PLUMBING:** A licensed plumber should be hired to bring the plumbing system up to code.

**ELECTRICAL:** A licensed electrician should be hired to bring the electrical system up to code.

**MECHANICAL:** A licensed mechanical contractor should be hired to bring the mechanical system up to code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: YES BARRICADED: NO POLICE AID REQD.: NO

**REMARKS:** First investigated on October 09, 2014. Recently inspected on January 14, 2015. The single family dwelling was built on or about 1950. The main structure is secure and has two illegal additions used as storage sheds. The illegal additions are open to unwanted entry and structurally unsound due to lack of maintenance and exposure to the elements. The City cleaned up the property on or about December 2, 2013 and December 2, 2014. Attempts to maintain the structures secure have been unsuccessful.

Janeth Loya **Building Inspector** 

# TAX REPORT

